

Testimony on House Bill 114:

Jim Murphy, Manager, Public health Emergency Preparedness, Public Health & Safety Division, DPHHS

Introduction

Good morning Chairman Wilson and members of the committee. My name is Jim Murphy and I am the Manager of the Public Health Emergency Preparedness Unit at the Department of Public Health and Human Services.

Thank you for the opportunity to address this committee today on House Bill 114. I'd like to express our thanks to Representative Henry for sponsoring this legislation and to all of our partners in public health and state and local disaster and emergency services that helped create this bill.

On behalf of our Department, I am going to describe:

- why this legislation is needed to protect the health and safety of all Montanans,
- key provisions of the bill, and
- how it was created

As Representative Henry indicated, local and state partners in public health and disaster and emergency services have been working to improve our response to, and recovery from, a disaster. Our efforts began with examining our ability to prepare, detect, and respond to threats of bioterrorism, pandemic influenza, or other disease and health issues that can develop during and after a disaster. As a state we've made remarkable progress in our planning and response efforts. However, we recognize more needs to be done.

The Need for HB 114

HB 114 is necessary to help ensure that Montana can receive the outside support of "volunteer professionals" that may be needed during a Governor declared emergency or disaster. It is not hard to imagine that physicians, nurses or other licensed professionals from neighboring states could be called on for support. Help may come in the form of a volunteer medical professional during an outbreak of disease or a mass-casualty event, or in the form of a professional engineer inspecting buildings or bridges after an earthquake. In these examples and others, we will need a system to recognize, register and protect those willing to volunteer. HB 114 provides us with the ability to create this system.

Key Provisions:

Key provisions of HB 114 allow for:

1. the recognition and registration of out of state professional licenses by the Department of Labor and Industry when needed during a declared emergency or disaster,

2. the ability to report misconduct and impose administrative sanctions in the event of misconduct, and
3. the extension of limited *immunity from liability* to a volunteer professional

In the case of this last provision, Title 10 already provides limited immunity, except in the case of willful misconduct, gross negligence, or bad faith, to local and state government workers and volunteer and auxiliary civil defense workers. We propose adding all volunteer professionals, whether responding from in-state or out-of-state, to this list. Recently Montana was listed as one of eight states having inadequate protections for volunteer medical professionals by the *Trust for America's Health*. Lack of this protection is commonly cited as an obstacle to health professionals wishing to respond.

Creation of HB 114

HB114 is the result of more than three years of work with stakeholders and the public. Much of our effort was guided by a committee of medical, legal, public health, emergency services personnel, policymakers and the Model Public Health Act.

During this process, we've worked closely with several stakeholders, including:

- The Montana Public Health Association
- The Montana Environmental Health Association
- The Montana Board of Nursing
- Montana County Attorneys
- State and Local Disaster and Emergency Services
- Association of Montana Public Health Officials

We would like to express special thanks to the Department of Labor and Industry and state and local DES coordinators, all of whom are committed to helping us make this system work.

Closing

In closing, HB114 will help ensure Montana is prepared to respond to and recover from an emergency or disaster. Our ability to protect the state's citizens may depend on out-of-state assistance and we need a mechanism to quickly review and register qualified licensed individuals. HB114 will provide local and state responders with a valuable resource and will help protect the lives and property of every Montanan.

I'd be happy to answer any questions or address any concerns of the committee. Thank you.

Fact Sheet: House Bill 114

An Act Providing for the Recognition of Licensure and Registration of Out-of-State Volunteer Professionals during a State of Emergency or Disaster.

The Montana Department of Public Health and Human Services (DPHHS) is proposing legislation allowing licensed out-of-state volunteer professionals to assist Montana during a Governor declared emergency or disaster. This act establishes procedures to recognize and register licenses, administer disciplinary sanctions, and provide limited immunity from liability to qualified volunteer professionals. DPHHS has worked closely with Montana Disaster and Emergency Services, the Department of Labor and Industry, the local Disaster and Emergency Services Association and the Association of Montana Public Health Officials to identify and address state and local needs in this legislation.

Why is this legislation needed?

During a Governor declared emergency or disaster, authorized under 10-3-302, 303 MCA, local professionals may need to be supplemented with out-of-state volunteer professionals. To ensure volunteer professionals are qualified to render aid, the Department of Labor and Industry will assist with licensure review and registration of licensed volunteer professionals.

When would Montana activate the procedures addressed in HB114?

The procedures outlined in HB114 would only be activated during a Governor declared emergency or disaster and only when the assistance of out-of-state volunteer professionals would be required. The request for assistance would be through existing local and state procedures used by Disaster and Emergency Services personnel.

Who are volunteer professionals and what are some examples?

As outlined in HB114, a volunteer professional is an individual with an active unrestricted license to practice a profession licensed by the Montana Department of Labor and Industry (DLI) or the laws of another state. Medical practitioners, professional engineers and veterinarians are just a few of examples of professions that may be needed to respond to, or recover from, an emergency or disaster. For example, volunteer health professionals may be needed to ensure an adequate response to a medical or health emergency. An example of a non-health event could include the use of volunteer professional engineers to ensure public safety after an earthquake or structural collapse.

Why is "immunity from liability" protection proposed for volunteer professionals?

Under 10-3-111 MCA, selected responders are currently provided immunity from liability during a response to a declared state of emergency or disaster. HB114 will extend the same protection to registered and approved volunteer professionals as currently granted to employees, agents and representatives of government and civil defense workers. This protection would apply to volunteer professionals from Montana as well as out-of-state professionals. A recent report from the *Trust for America's Health* cited Montana as one of eight states with inadequate protections in this area. Lack of such protection has been identified as a possible impediment to volunteer responders.

Immunity from liability is limited and does not protect a volunteer professional or other responder in the event of willful misconduct, gross negligence or bad faith. In addition, HB114 allows administrative sanctions and reporting to appropriate licensing authorities in the event of unprofessional conduct.